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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/407,136    09/27/99    SHTEYNBERG

V    99RE036

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| EXAMINER |
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QM32/0613

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|-------------|--------------|
| TUGRANG, D. |              |
| ART UNIT    | PAPER NUMBER |

3729  
DATE MAILED:

06/13/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/407,136

Applicant(s)

SHTEYNBERG ET AL.

Examiner

Dexter Tugbang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 April 2001.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 14-16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) 3, 14-16 and 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-8, 21, 22, 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Applicant(s) Amendment filed 4/5/01 (in Paper No. 6) has been fully considered and made of record.

### ***Election/Restrictions***

2. Claims 3, 14-16 and 18-20 stand as being withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

### ***Claim Objections***

3. Applicant is advised that should Claim 7 be found allowable, newly submitted Claim 22 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1, 2, 4, 5, 6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Takehara 6,163,952.

Takehara discloses the claimed manufacturing method comprising: winding sets of segments (see Fig. 8), each segment defining a bobbin and arranged initially in a side-by-side orientation (see anyone of Figures 7A, 12A, 13A, 14A); subsequently combining the sets of segments in a common circular arrangement (see anyone of Figures 7C, 12C, 13C, 14C) whereby each of the sets of segments are wound separately; rotating the segments and a wire dispenser relative to each other about an axis of rotation (see Fig. 10); winding the segments during the relative rotation; and repeating all of the above steps to complete each wound member.

6. Claims 1, 2, 4, 5, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Searle 4,350,914.

Searle discloses the claimed manufacturing method comprising: winding sets of segments by arranging each segment in a side-by-side comparison (see Fig. 1); rotating the segments and a wire dispenser relative to each other about an axis of rotation (see Fig. 2); winding the segments during the relative rotation between the wire dispenser and each of the segments; repeating the above steps for manufacturing of each wound member for each motor; and combining the segments in a circular arrangement to form a wound member (see Fig. 3). Each of the segments is wound separately and each segment of the sets defines a bobbin 2.

Searle cites at least one example where 12 segments (bobbins) are used to form 12 poles or 12 pole stators, which forms a 3 phase motor (see col. 4, lines 52-60).

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 21, 7, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Searle or Takehara in view of Japanese Patent Publication, JP 60-182119, referred to hereinafter as JP'119.

Both Searle and Takehara teach the claimed manufacturing method as previously discussed. Also, both Searle and Takehara teach that their wire dispenser devices rotate or move relative to each of the segments to conduct winding with each of their continuous lengths of wire. The segments of both Searle and Takehara appear to be stationary. Searle and Takehara each fail to teach that the wire dispenser device itself remains stationary and that each of the segments rotate to produce the relative rotation of winding the segments.

JP'119 teaches the conventional concept of rotating the actual segment (bobbin 2) itself while the wire dispenser remains stationary (shown in Fig. 5) to form a wound member from a continuous length of wire 1. Such an advantage of the JP'119 winding concept provides a wound member without decreasing the magnetic characteristics (discussed in PURPOSE). Furthermore, whether the wire dispenser rotates and each segment is stationary or that the wire

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dispenser is stationary and each segment rotates, each of these winding concepts are considered to be art recognized equivalents in producing a wound member.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified each of the methods of Searle and Takehara by utilizing the winding concept of JP'119, to positively form the wound member without decreasing the magnetic characteristics.

Alternatively, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the wound members of Searle and Takehara by either (1) keeping each of the segments stationary and rotating the wire dispenser, or (2) keeping the wire dispenser stationary and rotating each of the segments, as each is considered to be art recognized equivalents in forming wound members.

#### *Response to Arguments*

9. Applicant's arguments with respect to Claims 1, 2, 4-8 and 21-23, have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dexter Tugbang whose telephone number is 703-308-7599. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

adt  
June 10, 2001

  
6/11/01  
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TECHNOLOGY CENTER 3700